

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator  
L. Carol Edmonds, Deputy County Administrator

DATE: August 24, 2015

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

- 1. Former AEP Property
- 2. Blacksburg Industrial Park

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

- 1. Agency on Aging
- 2. Personnel

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

#### **IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

#### **V. INVOCATION**

#### **VI. PLEDGE OF ALLEGIANCE**

#### **VII. PRESENTATIONS, RECOGNITIONS, AND AWARDS**

1. Riner Rescue Squad – 2015 Outstanding EMS Agency Award  
The Board of Supervisors will recognize the Riner Rescue Squad for winning the 2015 Outstanding EMS Agency Award.
2. Montgomery County Annual Report  
The Public Information Office will present the Annual Report for Montgomery County, Virginia.
3. Montgomery County Cooperative Extension  
Michelle Dickerson, 4-H Agent, will provide an update on the Montgomery County Cooperative Extension. ( TAB   A   )

#### **VIII. PUBLIC HEARINGS**

##### **A. SUBJECT: BOARD OF SUPERVISORS**

The following public hearings were advertised pursuant to law in the “NEW RIVER VALLEY” Section of the Roanoke Times on July 31, 2015 and August 7, 2015:

1. Special Use Permit Amendment – Telecommunications Tower

**A request by Charles Lewis Wheeling & Willie Doyle Wheeling (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-09-38) previously approved October 14, 2008 to allow a 135 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth design” and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
- Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

The property is located at **174 Friendship Road** and is identified as Tax Parcel No. 082-A-158 (Acct # 020687) in the Shawsville Magisterial District (District C). The 24.19 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

2. Special Use Permit Amendment – Telecommunications Tower

**A request by Sandra Gail Jordan (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-09-29) previously approved September 8, 2008 to allow a 165 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth design” and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
- Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

The property is located at **473 Alleghany Spring Rd** and is identified as Tax Parcel No. 83-A-27; 27D (Acct # 026123) in the Shawsville Magisterial District (District C). The property is zoned Agricultural (A-1) and currently

lies in an area designated as Village Expansion/Resource Stewardship in the 2025 Comprehensive Plan.

3. Special Use Permit Amendment – Telecommunications Tower

**A request by Den Hill Road, LLC. (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-09-63) previously approved on November 24, 2008 to allow a 120 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 3 to remove the modified flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole in the top position, remove language allowing Verizon to collocate with a modified flush mount design, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth design” and painted brown (Wood Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
- Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

The property is located at **906 Den Hill Road** and is identified as Tax Parcel No. 68-A-145 (Acct # 006179) in the Mount Tabor Magisterial District (District C). The 44.923 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

4. Special Use Permit Amendment – Telecommunications Tower

**A request by Charles McDonald Wall & Richard F. Wall (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-09-39) previously approved on October 14, 2008 to allow a 135 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth design” and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
- Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

The property is located at **1483 Matamoros Lane** and is identified as Tax Parcel No. 52-A-100 (Acct # 020270) in the Prices Fork Magisterial District (District E). The 64 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

5. Special Use Permit Amendment – Telecommunications Tower

**A request by Walter T. & Sherry K. Saville (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-09-141) previously approved on April 13, 2009 to allow a 152 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 5 to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth design” and painted brown (Umbra). All wiring and cables shall be located inside the pole structure.
- Delete Condition No. 7, requiring no platforms or dishes be permitted above the tree line.

The property is located at **2418 Poverty Creek Road** and is identified as Tax Parcel No. 38-A-153 (Acct # 016650) in the Prices Fork Magisterial District (District E). The 7.743 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

6. Special Use Permit Amendment – Telecommunications Tower

**A request by Virginia Tech Foundation, Inc. (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-09-140) previously approved on April 13, 2009 to allow a 125 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 4 to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth design” and painted brown (Umbra) matte finish. All wiring and cables shall be located inside the pole structure.

- Delete Condition No. 6 requiring no platforms or dishes be permitted above the tree line.

The property is located at **2797 Stroubles Creek Road** and is identified as Tax Parcel No. 65-A-5 (Acct # 021713) in the Prices Fork Magisterial District (District E). The property is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

7. Special Use Permit Amendment – Telecommunications Tower

**A request by Phillips Family Trust (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-09-19) previously approved on August 11, 2008 to allow a 100 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 3, to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth design” and painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
- Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

The property is located at **3160 Riner Road** and is identified as Tax Parcel No. 106-4-10B;10A;1 (Acct # 014354) in the Riner Magisterial District (District D). The 58.893 acre parcel is zoned Agricultural (A-1) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

8. Special Use Permit Amendment – Telecommunications Tower

**A request by Vickie Jean Gruver, ET AL (Agent: Gentry Locke Rakes & Moore LLP) to amend conditions of a Special Use Permit (R-FY-07-38) previously approved on September 11, 2006 to allow a 120 ft. telecommunications tower, as follows:**

- Amend Condition No. 2 to reference the plans filed with the SUP application for this property submitted to Montgomery County in 2015.
- Amend Condition No. 3 to remove the flush mount requirement that the outer face of antennas not exceed 12 inches from the face of the pole, and add language allowing the use of a low-profile antenna mount (distance between the face of the pole and out face of antennas not to exceed 55 inches). Tower shall be of a “monopole stealth

design” and painted brown (Twisted Branch or similar). All wiring and cables shall be located inside the pole structure.

- Amend Condition No. 5, to allow platforms above the tree line; however, no dishes shall be permitted above the tree line.

The property is located at **4180 Pandapas Pond Road** and is identified as Tax Parcel No. 14-A-2D (Acct # 190148) in the Mount Tabor Magisterial District (District A). The 11.884 acre parcel is zoned General Business (GB) and currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

**The above eight (8) public hearings amending various existing Special Use Permits allowing Telecommunications Towers have been withdrawn. The eight requests to amend the SUP’s are expected to be refiled by the applicant.**

The following public hearing was continued from the Board’s July 27, 2015 meeting:

9. Proposed Amendment to Chapter 10, Entitled Zoning

**An Ordinance Amending Chapter 10 Entitled Zoning of The Code of the County of Montgomery, Virginia by Amending Sections 10-21(3), 10-22(3), 10-23(3), 10-24(3), 10-25(3), 10-26(3), 10-27(3), 10-28(3), 10-29(3), 10-30(3), 10-31(3), 10-32(5)(I)(B)(3), 10-32.1(6)(3), 10-33(3), 10-34(3), 10-35(3), and 10-36(3) Respectively by allowing Public Use, Public Facility as defined under Section 10-61 as a By Right Use in all of the County Zoning Districts. ( TAB B )**

1. Action from Public Hearings

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

## **VII. INTO WORK SESSION**

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. House Bill # 2: Funding the Right Transportation Projects

## **VIII. OUT OF WORK SESSION**

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

1. Action Following Work Session

## **XIV. NEW BUSINESS**

- A. SUBJECT: PERSONAL PROPERTY TAX RELIEF  
PERCENTAGE FOR 2015**

**R-FY-16-  
RESOLUTION ESTABLISHING THE  
PERSONAL PROPERTY TAX RELIEF  
PERCENTAGE FOR 2015**

WHEREAS, The Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523, et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, These legislative enactments required the County of Montgomery, Virginia, to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, These legislative enactments provide for the appropriation to the County of Montgomery, Virginia, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles and provide the opportunity for the County of Montgomery, Virginia, to fashion a program of tax relief that serves the best interest of its citizenry; and



WHEREAS, The Board of Supervisors adopted an ordinance to implement the changes to PPTRA affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia on November 28, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the rate of 100% of relief shall be applied to each qualifying vehicle valued at \$1,000 or less and that the rate of 43.81% shall be applied to the first \$20,000 in value of each qualifying vehicle with a value above \$1,000. Those rates of relief are estimated to exhaust PPTRA relief funds available to the County of Montgomery, Virginia, by the Commonwealth of Virginia for Tax Year 2015.

FURTHER BE IT RESOLVED, That any amount of PPTRA relief not used within the County of Montgomery's Fiscal Year shall be carried forward and used to increase the funds available for personal property tax relief in the following Fiscal Year.

ISSUE/PURPOSE: Establish personal property tax relief percentage.

JUSTIFICATION: Each year, the County establishes a tax relief percentage based on the amount of state funding proportional to the tax levy on qualifying motor vehicles. Last year, the relief percentage was 44.65%. This year, the total personal property value is more than the prior year. Therefore, the relief percentage has decreased to 43.81%.

**B. SUBJECT: SCHOOL OPERATING FUND – FY 15 YEAR  
END BALANCE CARRYOVER**

**A-FY-16-  
SCHOOL OPERATING FUND  
FY 15 YEAR-END BALANCE CARRYOVER**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

09	Transfer to School Operating Fund	\$2,130,677
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The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$2,130,677
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BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

School Operating:	
Instruction	\$ 853,947
Admin., Attend, & Health	\$ 106,057
Transportation	\$ 282,622
Operations and Maintenance	<u>\$ 888,051</u>
Total	\$2,130,677

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451100   Transfer from General Fund	\$2,130,677

Said resolution re-appropriates unencumbered School Operating dollars remaining at year-end.

ISSUE/PURPOSE:               Re-appropriate FY 15 Year-End balances for the schools.

JUSTIFICATION:               The schools have requested carryover of their unexpended balances. See TAB E for a copy of the School's letter of request.

This resolution appropriates the remaining balance of \$2,130,677 for the following:

• Medicaid Carryover	\$301,695
• STEM Grant	2,000
• One-time bonus for zero increase employees	221,169
• Compensation Study	32,000
• 2 Reserve Teacher Units	127,600
• AEDs for schools	18,468
• 25% Match for Security Grant	25,000
• Additional funds needed for bus allocation	19,306
• Two additional buses	170,000
• Roof and Maintenance Plan	250,000
• Additional field trip allocation	40,000
• Replacement of 2 fleet vehicles	40,000
• Software enhancements for Munis	30,000
• Restore portion of supply budget for schools	102,250
• Additional Technology to support instruction	151,189
• Capital to be determined from maintenance list	<u>600,000</u>
Total	\$2,130,677

**XV. COUNTY ATTORNEY'S REPORT**

**XVI. COUNTY ADMINISTRATOR'S REPORT**

**XVII. BOARD MEMBERS' REPORT**

1. Supervisor Perkins
2. Supervisor Tuck
3. Supervisor Gabriele
4. Supervisor Creed
5. Supervisor King
6. Supervisor Biggs
7. Supervisor Brown

**XVIII. OTHER BUSINESS**

**XIX. ADJOURNMENT**

**FUTURE MEETINGS**

Special Meeting  
with Montgomery County School Board  
Monday, August 31, 2015  
6:00 p.m.

Regular Meeting  
Monday, September 14, 2015  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting

Adjourned Meeting  
Monday, September 28, 2015  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting